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Agenda item 8

HUMAN RIGHTS QUESTIONS

Austria, Bulgaria, Byelorussian Soviet Socialist Republic*, Canada, Czechoslovakia, Denmark*, Finland, Iceland*, Italy, Netherlands, New Zealand, Norway*, Poland*, Romania, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland: draft resolution

International Covenants on Human Rights

The Economic and Social Council,

Bearing in mind its important responsibilities in relation to the coordination of activities to promote the International Covenants on Human Rights, 1/

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, 2/ form the core of the International Bill of Rights,

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ See General Assembly resolution 2200 A (XXI), annex.

2/ General Assembly resolution 217 A (III).

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights 1/ and the Optional Protocols to the International Covenant on Civil and Political Rights 1/ and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in promoting and implementing the International Covenants on Human Rights,

Taking note with appreciation of the report of the Committee on Economic, Social and Cultural Rights on its fifth session, 3/ as well as the general comments of the Human Rights Committee adopted at its thirty-ninth session, 4/

Noting, in this regard, that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of the international effort to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

3. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

4. Appeals to States parties to the Covenants that have exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservations should be reviewed;

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3/ Official Records of the Economic and Social Council, 1991, Supplement No. 3 (E/1991/23 and Corr.1).

4/ Official Records of the General Assembly, 1990, Supplement No. 40 (A/45/40), vol. I, annex VI.

5. Invites the Secretary-General to intensify the systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to provide technical assistance to the States that are not parties to the Covenants, with a view to assisting them in ratifying or acceding to the Covenants;

6. Emphasizes the importance of the strictest compliance by States parties to the Covenants with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

7. Stresses the importance of avoiding the erosion of human rights by derogation and the need for strict observance of all the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights;

8. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and appeals to other bodies dealing with similar questions of human rights to respect those standards as expressed in the general comments of the Human Rights Committee;

9. Welcomes also the adoption by the Committee on Economic, Social and Cultural Rights of a general comment at both its third 5/ and fourth 6/ sessions, and encourages the Committee to continue using that mechanism to develop a fuller appreciation of the obligations of States parties under the International Covenant on Economic, Social and Cultural Rights;

10. Welcomes further the fact that the Committee on Economic, Social and Cultural Rights, in its general comment on article 2 (1) of the Covenant, adopted at its fifth session 7/ dealt with the nature of States parties' obligations;

11. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, to consider identifying benchmarks to measure achievements in the progressive realization of the rights recognized in the Covenant and, in this context, to pay particular regard to the most vulnerable and disadvantaged;

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5/ Official Records of the Economic and Social Council, 1989, Supplement No. 4 (E/1989/22), annex III.

6/ Ibid., 1990, Supplement No. 3 (E/1990/23), annex III.

7/ Ibid., 1991, Supplement No. 3 (E/1991/23 and Corr.1), annex III.

12. Requests the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, the Subcommission on Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee o the Rights of the Child and, where appropriate, other functional commissions of the Economic and Social Council and the specialized agencies, and to transmit the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to all those bodies;

13. Encourages all Governments to publicize the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, in as many languages as possible, and to distribute them and make them known as widely as possible in their territories;

14. Invites States parties at their regular meetings in 1992 to consider the general comments adopted by the Human Rights Committee and the report of the Committee on Economic, Social and Cultural Rights;

15. Also decides to transmit the report of the Committee on Economic, Social and Cultural Rights to the General Assembly at its forty-sixth session for consideration under the agenda item, entitled "Human rights questions".

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HUMAN RIGHTS QUESTIONS

Colombia*, Costa Rica*, Ecuador, Gambia*, Netherlands, Philippines*, Portugal*, Romania and Venezuela*: draft resolution

# United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Economic and Social Council,

Recalling its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, by which it authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to establish a Working Group on Slavery, renamed the Working Group on Contemporary Forms of Slavery by Commission on Human Rights resolution 1988/42 of 8 March 1988, 1/

Taking note of Commission on Human Rights resolution 1991/58 of 6 March 1991, 2/ by which it requested the Economic and Social Council to take further action on its recommendation to the General Assembly to establish a voluntary fund on contemporary forms of slavery,

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ Official Records of the Economic and Social Council, 1988, Supplement No. 2 (E/1988/12) and Corr.1, chap. II, sect. A.

2/ Official Records of the Economic and Social Council, 1991, Supplement No. 2, chap. II, sect. A.

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

Convinced that the establishment of a voluntary trust fund on contemporary forms of slavery would constitute a significant development for the protection of human rights of victims of contemporary forms of slavery,

1. Requests the General Assembly to establish a voluntary trust fund in accordance with the following criteria:

(a) The name of the Fund shall be the United Nations Trust Fund on Contemporary Forms of Slavery;

(b) The purposes of the Fund shall be first to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance, and second to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery;

(c) Funding shall take place by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities;

(d) The only types of activity to be supported by the Fund are those described in subparagraph (b) above;

(e) The only beneficiaries from the Fund shall be:

(i) Representatives from non-governmental organizations dealing with issues of contemporary forms of slavery;

a. Who are so considered by the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery described in subparagraph (f) below;

b. Who would not, in the opinion of the Board, be able to attend the sessions of the Working Group without the assistance provided by the Fund;

c. Who would be able to contribute to a deeper knowledge on the part of the Working Group of the problems relating to contemporary forms of slavery;

(ii) Individuals whose human rights have been severely violated as a result of contemporary forms of slavery who are so considered by the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery described in subparagraph (f) below;

(f) The Fund shall be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a Board of Trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who will serve in their personal capacity; the members of the Board of Trustees shall be appointed by the Secretary-General for a three-year term renewable in consultation with the current Chairman of the Subcommission and with due regard to equitable geographical distribution.

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HUMAN RIGHTS QUESTIONS

Belgium*, Czechoslovakia, Ecuador, France, Gambia*, Netherlands, Nicaragua, Philippines*, Romania and Venezuela*: draft resolution

Suppression of the traffic in persons

The Economic and Social Council,

Recalling Commission on Human Rights resolutions 1982/20 of 10 March 1982 1/ on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialsim, and 1988/42 of 8 March 1988, 2/ 1989/35 of

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ Official Records of the Economic and Social Council, 1982, Supplement No. 2 (E/1982/12), chap. XXVI, sect. A.

2/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

6 March 1989, 3/ 1990/63 of 7 March 1990 4/ and 1991/58 of 6 March 1991 5/ on the report of the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Recalling Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, and 1988/34 of 27 May 1988, 1989/74 of 24 May 1989 and 1990/46 of 25 May 1990 on the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Considering that the report of the Special Rapporteur of the Economic and Social Council on the suppression of the traffic in persons and the exploitation of the prostitution of others 6/ still constitutes a useful basis for further action,

Noting with appreciation the report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, 7/

Noting that only a few Member States, United Nations organizations and other intergovernmental organizations have submitted information on the steps taken to implement the recommendations contained in Council resolution 1983/30,

Gravely concerned that slavery, the slave trade and slavery-like practices still exist, that there are modern manifestations of those phenomena and that such practices represent some of the gravest violations of human rights,

Aware of the complexity of the issue of the suppression of the traffic in persons and the exploitation of the prostitution of others, and the need for further coordination and cooperation to implement the recommendations made by the Special Rapporteur and by various United Nations bodies,

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3/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

4/ Ibid., 1990, Supplement No. 2 (E/1990/22 and Corr.1), chap. II, sect. A.

5/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

6/ E/1983/7 and Corr.1 and 2.

7/ E/1991/18.

1. Reminds States parties to the Slavery Convention of 1926, 8/ the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, 8/ and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 8/ of their obligation to submit to the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities regular reports on the situation in their countries, as provided for under the relevant conventions and under Economic and Social Council decision 16 (LVI) of 17 May 1974;

2. Takes note with appreciation of the report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others; 7/

3. Requests the Secretary-General to submit a further report to the Council, at its first regular session of 1992, on the steps taken to implement the recommendations contained in Council resolution 1983/30 by those Member States, United Nations organizations and other intergovernmental organizations that have not yet submitted such information and to make that report available to the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities;

4. Requests the Secretary-General to assign the staff member who was appointed to serve the Working Group and undertake other activities relating to contemporary forms of slavery in the post which has been included in the budget of the Centre for Human Rights for questions relating to slavery and slavery-like practices, on a full-time basis, and to report to the Council on the steps taken at its first regular session in 1992;

5. Requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery;

6. Urges the Commission on the Status of Women and the Committee on Crime Prevention and Control to collaborate closely with the Centre for Human Rights on the issue of suppression of contemporary forms of slavery;

7. Endorses the recommendation of the Commission on Human Rights, in its resolution 1991/58, that the supervisory bodies of the International Labour Organisation give particular attention in their work to the implementation of provisions and standards to ensure protection of children and other persons exposed to contemporary forms of slavery,

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8/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1), sect. F.

8. Endorses the recommendation of the Commission on Human Rights, in its resolution 1991/58, that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of the States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women, and articles 32, 34, 35 and 36 of the Convention on the Rights of the Child with a view to combating contemporary forms of slavery;

9. Decides to consider the question of the suppression of traffic in persons at its substantive session of 1992 under the agenda item entitled "Human rights".

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HUMAN RIGHTS QUESTIONS

Algeria, Argentina, Australia*, Austria, Belgium*, Bulgaria, Canada, Cape Verde*, Chile, Costa Rica*, Cyprus*, Czechoslovakia, Denmark*, Dominican Republic*, El Salvador*, Finland, France, Gambia*, Germany, Ghana*, Greece*, Guatemala*, Guinea-Bissau*, Haiti*, Hungary*, Iceland*, Indonesia, Ireland*, Italy, Luxembourg*, Madagascar*, Mauritania*, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria*, Norway*, Pakistan, Panama*, Paraguay*, Peru, Philippines*, Poland*, Portugal*, Romania, Senegal*, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela* and Zimbabwe*: draft resolution

# Developments relating to the activities of the Centre for Human Rights

The Economic and Social Council,

Recalling General Assembly resolution 45/180 of 21 December 1990, Commission on Human Rights resolution 1991/23 of 5 March 1991 1/ and Council resolution 1990/47 of 25 May 1990,

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

Recalling also General Assembly resolution 45/248 B, section V, of 21 December 1990, providing interim measures in terms of additional human resources for the Centre for Human Rights,

Recognizing the important role of the Centre for Human Rights in the promotion, protection and implementation of human rights and the need to provide sufficient human resources to the Centre, particularly in view of the fact that its workload has greatly increased while resources have failed to keep pace with the expansion of its responsibilities, 2/

1. Notes with regret that the report requested in paragraph 3 of the Commission on Human Rights resolution 1991/23 has not been submitted to the Council;

2. Also notes that the workload of the Centre for Human Rights has further increased due to the relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights;

3. Expresses its concern that unless appropriate financial measures are taken, the reduced efficiency of the servicing of human rights bodies by the Secretariat could be further impaired;

4. Calls upon the General Assembly to take into account the discrepancy between the Centre's resources and its increased responsibilities and, in accordance with established procedures, to take appropriate and prompt action to rectify this problem;

5. Requests the Secretary-General, in accordance with General Assembly resolution 45/180 and Commission on Human Rights resolution 1991/23, to submit to the General Assembly at its forty-sixth session a progress report on the developments relating to the activities of the Centre for Human Rights.

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2/ E/1990/50 and A/45/807.

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HUMAN RIGHTS QUESTIONS

Draft decision submitted by the Chairman of the Second (Social) Committee

Situation in Cambodia

1. The Economic and Social Council, fully concerned about the protection of human rights in Cambodia, endorses Commission on Human Rights decision 1991/104 of 15 February 1991 1/ and reaffirms the right of the people of Cambodia to exercise their fundamental freedoms and human rights, including their right to self-determination.

2. The Council welcomes United Nations Security Council resolution 668 (1990) of 20 September 1990 and General Assembly resolution 45/3 of 15 October 1990 endorsing the framework for a comprehensive political settlement of the Cambodian conflict which has been accepted in its entirety by all the Cambodian parties as the basis for settling the Cambodian conflict. The Council also welcomes the draft agreements of 26 November 1990 and the Final Statement of the meeting between the co-chairmen of the Paris Conference on Cambodia and members of the Supreme National Council of Cambodia on 23 December 1990, as contained in document A/46/61-S/22059.

3. The Council further welcomes the formation of a Supreme National Council as the unique legitimate body and source of authority in which, throughout the transitional period, the independence, national sovereignty and unity of

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1/ Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. B.

Cambodia is embodied. The Council urges that, in working towards the goal of a comprehensive political settlement, the Cambodian leaders should cooperate in assuming their responsibilities in order to achieve national reconciliation.

4. The Council also urges all parties to the conflict to exercise maximum self-restraint so as to create a climate conducive to the achievement and implementation of a comprehensive political settlement, as reiterated in the appeal of the co-chairmen of the Paris Conference on Cambodia and the Secretary-General of the United Nations on 22 April 1991 for a voluntary cease-fire in Cambodia.

5. The Council expresses the hope that the Paris Conference on Cambodia would be reconvened as soon as possible in order to adopt the agreement on a comprehensive political settlement and that a detailed plan of implementation be drawn up in accordance with the agreement, providing, inter alia, for the full restoration of the human rights of the Cambodian people, including their inalienable right to self-determination in free and fair elections organized and conducted by the United Nations in a neutral political environment with full respect for the national sovereignty of Cambodia, and recognizing the need to promote and encourage respect for and full observance of human rights and fundamental freedoms in Cambodia.

6. The Council once again expresses its grave concern at the plight of the Cambodian displaced persons still stranded in Thailand as a result of the continuing hostilities in Cambodia.

7. The Council requests the Secretary-General to continue to monitor closely the developments in Cambodia and to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement of the Cambodian problem and to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia.

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